Previous references
Ref 167-07

1910
(Municipal)

File No. 205-10
Serial Nos. 1 & 2

Later references.
R 482-11 Sl 1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1 & 2

Part B. for August, 1912

SUBJECT

Resumption of sites in the New Extension, Bangalore city, for breach of the conditions of allotment

---

From the Secy, New Exten Com, Bangalore, no 116 d 18.11.10: Requests clear orders as to whether the New Extension Committee have power to resume and sell sites in the new extension in cases of breach by the allottees of the conditions of allotment of sites.

2 To Do, Dy Com^r, Bangalore & Presd^t, Bangalore city Imp Council, no 872-4 d 28.7.11 Approves the Committee's action in resuming the sites for breach of the conditions of allotment and reselling them in auction.

G R.S. 58 M. V Anandarao
31.8.12

G.R.S. 11] 190-11

GENERAL AND REVENUE SECRETARIAT

(Municipal)

NOTES

File No. 225-1910

File Heading.

Resumption of sites in the New Extension, Bangalore city

From

The Secretary, New Extension Committee, Bangalore

No. 116 Dated 18-11-1910 Received

Diary No. 3329 | Enclos / | Spare Copies | Serial No. /

Brief Abstract of Letter.

Requests clear orders as to whether the New Extension Committee have power to resume and sell sites in the New Extension in cases of breach of the conditions of allotment of sites in the New Extension.

NOTES AND ORDERS

The Govt Advocate thinks that unless the powers of the Committee are defined in an enactment, they cannot enforce the conditions of the grant of sites except through the civil courts But the Committee have been resuming sites in the extension for

Notes—First sheet

GPB—15,000—24-4-09

Serial No

breaches of the conditions of grant and selling them in auction under the of Govt. Orders Nos 10303-B/Rel 107-07-13 & 5-6-1908. They now request that may be issued for the of the Committee.

2 — Submitted for orders

Attn 2.12.10

(19) 2/12/10 3 Forwarded to Br III for favour of opinion as to whether it would not be legal for the Committee to resume and resell lands in accordance with the conditions of allotment The Committee was brought into existence by the order dated 15th April 1908

6 12 10 Ill

4 Forwarded

SW 6/12 5 Information may kindly be furnished as to whether the area comprising the Sites allotted belonged to the Municipality or the Govt at the time the Committee was Constituted

To Br FI

Sd

13/12 13/12/10

GPB —50 000— 12 8 10

R. S 12]
General and Revenue Secretariat

File No 205 of 1910

Serial No

6 Submitted.

13/12 — 7 Under sec 16 of the Land Acquisition Act, lands taken possession of as therein stated vest absolutely in the Govt and if the acquisition has been made for a municipality, the Govt should transfer the lands to the municipality and thereupon they shall vest in the municipal Council (Vide sections 41 and 50 of the municipal Regn) Has any such order of transfer been passed?

16 12 10 Hill

8 Submitted

8 No order of transfer has yet been passed The final Order regarding the adjustment of the expenditure on account of the ex sea, has been reserved for future consideration

17/12 9 Forwarded to Sr III

21-12 10 Hill

10 Subd

SN II 24/12 — Under my instructions 11 It is not possible to discuss any question of [illegible]

Nors—Contn sheet

GPB—50 001—12 8 10

Serial No

by which the resumption of the sites by the Committee (otherwise than with the consent of the owner or under due process of law) can be held to be authorised. So long as the parties submit to it no difficulty may arise but if they challenge, as by threatening or actually filing a possessory suit under Sec 9 of the Specific Relief Act, the action of the Govt, no effective answer can be given to them

12 The Land Revenue Code empowers the Govt to make rules for the disposal of building sites but it is open to considerable doubt whether this power may be held to justify a rule that possession once given can be resumed by Govt in a summary manner

13 To Br I a/c for favour of note

9/1/14

Review Rm 69-10

G R. S 12]
General and Revenue Secretariat

Rel File No 205 of 1910

5

Serial No

Submitted —

1st Rules for the grant of building sites contained in Chapter VII of the Revised Revenue Rules, are framed under Sections 58 and 60 of the Land Rev Code - Section 60 gives power to the Dy Commr, subject to such orders as may from time to time be made by the Govt, to require the payment of a certain price for the occupancy, or to sell that right by auction, and to annex such conditions to the occupancy as may seem fit before permission to occupy is granted under Section 58

2nd In the case, under reference the condition that the Site is liable to resumption if the house is not built within the fixed time, is laid down on the authority of the Govt order of 15th April 1908, which may be held to have been made under Section 60

8-12
11/1/11

11/1/11 Submitted —

8
13/1/11

Note—Contn sheet

GPB—80,000—12-8-10

Serial No 86

... s 60 L. R Code ... enables ... the ... sentence of a ... lower ... to ... enforce a condition that the land granted will be liable ... to resumption under certain ... consequences ... and it has not been the rule to have recourse to Civil Courts ... to enforce such a condition ... Rule 8 contained in Appx I to the L. R Rules of 1896 lays down that any encroachment ... the produce of land granted for cultivation and any neglect in keeping them in good order and ensuring their usefulness ... travellers at all times will subject the said land granted to resumption and the authority of Govt to enforce the rule ordinarily has not been called into Question - In granting land for rubber a fruit cultivation a similar condition is generally attached There seems to be no objection to frame rules under S. 135 in which resumption may be laid down as a penalty on breach of certain conditions and the penalty may be enforced in

Note—Contin. sheet.

Serial No.

the same manner as a penalty
further in the case of a fraud under
s 60 L P Act - It would have been
open for him to notify the end then
had been in the early 1908 under
a rule framed under s 135 but
there is a defect which would not
whether the end then of the period
as having been fixed or a condition
with a direction of Govt under
Rule s 135

Br III)
GK
13/1/11

13/1/11.

Subd
SN(11)
16/1/11

20 To Br IV

SD

16/1/11.

21 Submitted for orders.

22 Secy) 17/1/11

23 The opinion of the U. Secy Br I and para 2 of the letter of the Govt Advocate go to show that the action of the Committee can be covered by the Land Rev Code on a declaration being

Note.—Contn. sheet.

Serial No.

made by first that the rules for the disposal of sites are made under Sec 135 of the L.S.C. & that the Committee should exercise the powers of the Govt Commr in respect of the sites

2. It has also to be noted that though no formal transfer of the land has been made to the Municipality, that body has been conserving the roads & houses built there, & has perhaps also collecting taxes. To regularise this the roads & the sites that have been built upon will have to be formally transferred to the municipality, leaving only the unbuilt unused sites under the Control of the Committee.

1st Cr Dewan

CSB
19/1/11

19/1/11

25 If the Construction of buildings in the new Extension is to be pushed on and sites not allowed to remain unbuilt for speculative purposes, the Committee's powers

GPS—50,000—9-10

G. R. S. 12]
General and Revenue Secretariat.

File No. 205 of 1910

3329 C9

Serial No.

should be placed on a solid basis. The number of unbuilt sites in Chennapuri, Basavanagudi & Malleswara Extensions are an eloquent testimony to the inefficacy of the ordinary rules to compel owners to build on vacant sites. The new extensions should not be allowed to fall into the same groove. The action of the Committee should be upheld and regularized if need be by the issue of a declaration as suggested in the above notes.

Dewa 24/1/11

9842 23/1/11

26 Please circulate to Committee & bring up at early Meeting. Secretary. [The Committee was constituted by Govt. Order of Govt. and works under the orders of Govt.]

27 Immediate. 1. 2. 4.

Note—Contin. sheet

GPB—44,620—27-4-09

47/2/4

G. R. S. 12]
General and Revenue Secretariat

33 / 10

File No. 105 of 1919

Serial No.

Seen -

28 If a declaration is now made as proposed, would it bind have any effect in respect of grants made before the declaration? Where is the authority for empowering the Committee to exercise powers of a D.C. under the Rev Code? These difficulties have to be considered.

19/2/11

Asstt Secy IV

29. Please comment from Rev. point of view on points raised in notes by 2nd C.V. & note his opinion.

19/2/11

22/2/11

30 There is no other provision of law than what is contained in the Land Revenue Code which empowers Government to reserve and allot lands for building sites and frame rules in respect thereof The --- Government had to carry out these rules through the

Note—Comin. sheet.

G.P.S.—14,000—27.4.09

Serial No.

Deputy Commissioner of the District. Instead of this agency, in the present instance, a Committee was appointed. This act of Government virtually constituted the extension area a Revenue District and the president of the Committee the Deputy Commissioner thereof. It cannot be contended that the Government had no power to form any part of the State into a new District and appoint a Deputy Commissioner for the same. As doubts have been entertained in regard to the powers of the President, the Government have make a declaration in explanation of their former order. The power of the President to resume sites for non-compliance of the terms of the grant is not derived by virtue of this declaration, but it had its origin in the order of Government appointing the President and what is now proposed to be done may be viewed as a mere exposition of the situation. This may look somewhat strained, but this is the only solution I can think of to give validity to resumptions already made.

13th March 1911

A. Narayana Rao
Govt Asst

31 Submitted
Secy 13 3-11

G. R. S. 12]
General and Revenue Secretariat.

File No. 205 of 1910

(12

Serial No.	
	~~Of the Committee~~
	32 Sub to 2nd Cr
	33 Seen the matter may be brought up at a meeting as already directed by the Dewan —
	18/3/11

Note—Contin sheet

G.P.S.—60,000—12-6-10

C 207 1/2
18 2 1911

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJECT

Question whether the New Extension Committee Bangalore have power to resume and resell sites in cases of the breach of the conditions of allotment

CIRCULATED TO COUNCILLORS

By Order,

18th Feby 1911

C S Balasundaram
Offg Secretary to Government

K P Puttanna Chetty, Esq.,
First Councillor

Opinion recorded

C/129 H V Nanjundayya, Esq., M.A., M.L.,
Second Councillor

10742
27.3 11

(12 pt)

Extract from the Proceedings of the 260th Meeting of the Council of His Highness the Maharaja, held at Mysore on the 21st & 22nd March 1911

34

IV. Subject.-(Clause of the Schedule).

Question whether the New Extension Committee, Bangalore, have power to resume and re-sell sites in cases of the breach of the conditions of allotment.

Opinion of the Council.

A Government order may be passed approving of the action of the Committee in resuming the sites for breach of the conditions of allotment, and in order to regularise action in the case of this and other extensions in future, rules for the disposal of building sites may be passed under the Land Revenue Code and published in the Gazette.

(Sd) T Anandarao
Dewan of Mysore

Extract:
C Balasundaramayya
Asst Secy to Govt

(14

Submitted to His Highness

35

Government Order No.10303-8/M1.107-07-13 dated 15th April 1908 appointed a Committee for the allotment and disposal of sites in the New Extension at Bangalore. Under para 6 of this order "the allotment of sites shall be subject to the condition that the construction of houses is begun and completed within a reasonable time fixed by the Committee" and "the grant shall not be final till such condition is fulfilled". If the houses are not built within the time fixed "the site shall be liable to resumption".

2. A doubt having arisen as to the legality of resumption of sites in such cases, the Government Advocate, who was consulted in the matter, has expressed the opinion that, if the above Government Order was not passed under any enactment but was an executive order, resumption can be effected only through the Civil Courts, but that, if the lands acquired by the Government for the new Extension, before being handed over to the Municipality, are treated as coming under

the operation of sections 134 and 135 of the Land Revenue Code, and the Committee is given the power of a Deputy Commissioner under the Code, recourse to Civil Courts will be unnecessary.

3. The question having been considered in Council, the Council is of opinion that a Government order may be passed approving the action of the Committee in resuming the sites for breach of the conditions of allotment, and that, in order to regularise action in the case of this and other extensions in future, rules for the disposal of building sites may be passed under the Land Revenue Code and published in the Gazette

3 of notes

4 This may be approved.

in

3329 (16

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject

36

Powers of the New Extension Committee, Bangalore, in the matter of resuming and re-selling building sites in cases of the breach of the conditions of allotment

10 5 11
1998

No 681

Order

Approved

~~KRW~~

15/5/11

Very
17 May 11

TV
Put up a ~~draft~~ direct
draft in consultation
with Sr I

Sr
20/5/11

Jue
22 5 11

KRM
20/5/11

20/5/11

Serial No.

37 2 drafts put up

38 Forwarded to Rev I for kindly stating whether the draft notification is all right

16 6-11 Ille

Respectfully submitted for consideration.

39 Rules for the disposal of building sites are laid down in paras 45 & 50 of the Rev Rules - Rule 47(b) directs the disposal of building sites in towns and other places of considerable size or of increasing importance subject to such conditions as to the style and size of the buildings to be erected thereupon as Govt shall in any case direct - Rule 50 further lays down that the occupancy of land to which none of the previous rules applies and concerning which no special order have been passed by Govt, shall be disposed of in such manner for such period and subject to such special conditions, if any, as the Dy Commr, subject to the control of the ~~Dy Commr~~ Government, shall deem fit & that is now required to be done is to delegate the powers of the

Note—Contn sheet

[R. S. 12]
General and Revenue
Secretariat

File No 108 of 1910

Serial
No

and also specify in the rules the further special conditions, such as the time within which the houses should be built, as well as the penalty for non-fulfilment of such conditions -

41 If approved, Rule 45 and Rule 47(b) may be amended as follows:-

1) In Rule 45 insert the following after the words 'Deputy Commr" "or other authority duly empowered by Govt in this behalf"

2) To be substituted for Rule 47(b)

The occupancy of land in towns and other places of considerable size or of increasing importance shall be disposed of subject to the following conditions:-

(i) that the style and size of the buildings to be erected thereupon shall be as determined by the Dy Commr or other authority duly empowered by Govt in this behalf or as Govt may in any case direct.

GPS—30 000—14-8-16

Serial
No

(ii) that the construction of the buildings is begun and completed within a time to be fixed by the said authority,

(iii) that the value of the Sites allotted or purchased shall be paid on the Due date, and

(iv) that failure to comply with any of the above conditions, or any other conditions which the Dy Commr. or other authority duly empowered by Govt in this behalf may prescribe with the approval of Govt, will render the building-sites liable to resumption without payment of any compensation to the grantee"

42 It is a matter for consideration whether the decision of the Dy Commr. or other authority should not be subject to appeal to Govt or other superior authority of the Dy Commr instead of being declared final as

43 When the rules aforesaid or otherwise are passed, the Committee may be empowered to dispose of

I think the time we have in making the Committee order shall mean when the Committee powers are delegated to a Committee in most cases

– Contn. sheet

3329/1914 (21

G R S 12]
General and Revenue Secretariat

File No 205 of 1910

Serial No

Draft leasing revis[illegible]

UR 9/7/14

19 7 11

To the Secy, Rev Extension Committee, the Dy Commr, Bangalore Dt and the Chief Sec, Bangalore City Municpl Council No 872-4 & 28 7 1911

49 Approves the Committee's action in resuming the sites for breach of the conditions of allotment and reselling them in auction

50 Draft issued and file referred to Bor I with reference to Secy's order in para 48 above

Mon (19) 28/7/14

The needful action has been taken by the Rev Branch (vide copy of Notification No R 6695/LR 482-11-1 dated 15th May 1912)

The file returned to Branch IV

BOS 95

20/8/12 SS 14

21/8/12

A spare copy of the Notn amending the Land Revenue Rules, issued from Branch I is put up This may be mer

Contn sheet

GRS—30,000—12-8-10

3324 of 1911

22

G R. S 12]

General and Revenue Secretariat

Ind File No. 205 of 1910

Serial No.	
	In the file of the papers recorded Submitted
	23/8/11 As the rule under which the house keeper was raised these papers may also be recorded.

Note.—Contin ahest.

GPS—61,000—17-4-12.

23

G R S 15]

Facing sheet for Cases included in the schedule appended to Notification No 38 of the 8th Aug 1922

GENERAL AND REVENUE SECRETARIAT

SUBJECT

Question whether the New Extension Committee Boards have power to resume and resell sites in cases of the breach of the conditions of allotment

	Date	Initial of Officer himself or responsible Deputy
Received in the Secretariat		
Submitted to Secretary		
Submitted by Secretary to Dewan or Councillor in charge		
Returned to Secretary		
Circulated by Secretary for Council	18 2 1911	
Forwarded by 1st Councillor	21 1 1911	
Forwarded by Councillor		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan		
Submitted to His Highness		
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor		
Returned to Secretary by Councillor		

GBPM—8-6 1910—300

3329 1

No 116
Each Two

Office of the New Extension Committee,
Bangalore City, 18 November 1910.

From

ml 205-01821

The Secretary,
New Extension Committee,
Bangalore City

To

The Officiating Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
BANGALORE

Sir,

I am desired to invite a kind reference to Government Proceedings No 10303-8/71 107-07-13 dated the 15th April 1908, appointing the New Extension Committee and to my letter No 205 dated the 10th March 1910 and to paras 3 and 4 of the Proceedings of the Committee dated the 12th September 1910 and to report as follows -

Under the directions contained in the Government Order above referred to and in exercise of the discretion vested in the Committee by paras 3 and 4 thereof, the Committee have, with a view to prevent purchases for mere speculation and to ensure the punctual payment of the value of sites and the construction of houses within a reasonable time and according to approved designs, prescribed certain conditions subject to which the allotment of sites has been made. A copy of these conditions (showing subsequent alterations) is enclosed for information

2. In para 6 of the same Government Order, it has been clearly laid down that "if houses are not "built within the limit "of time fixed, the site "shall be liable to "resumption and shall "be at the disposal of "Government and the de- "faulting purchaser "shall have no claim "to any compensation or "to any proceeds result- "ulting from the resale "or other disposal of "the site.".

Number & name.	No. of certificate.	Value of land.	Date of grant.	Amount of each instalment.	Instalments paid up to date of resumption.	Instalments paid.	Date of resumption.	Date of re-sale.	Amount realized by re-sale.	To whom resold.	Was there any building when re-sold & has the new purchaser done anything.
Mr. H. D Nanu Iyengar, Advocate, Mysore K Shimoga	47 Cottage	Rs 380	3rd June 1908	Rs a p 187-3-4	Rs a p (3) 2 34-0-0	Rs a p (15) 4 235-1-8			Rs 470	Mr. H. D Nanu Iyengar, Advocate Mysore K Shimoga	
Asst. Deputy Conservator Sakrepatna	70 House	150		6-4-0	(10) 62-8-0	(14) 67-8-0	21/4/10	1st/June 1910	450	Mr. H. D Nanu Iyengar, Advocate Mysore K Shimoga	(2) Original allottee has erected the house on the site but has since sold it to Mr. H. D Nanu Iyengar, Advocate Mysore K Shimoga for Rs 850.
Mahamma Residente	90 House	150		6-4-0	(14) 87-8-0	(16) 62-8-0	21/4/10	15th/June 1910	500		

3 In conformity with the above direction, the Committee have prescribed certain penal provisions (vide Conditions 13 & 14 of allotment) to the effect that a breach of any of the conditions will subject the allottee to summary forfeiture of the site, neither he nor his assignee being entitled to any compensation or payment for any expenditure incurred thereon. It is, however, to be stated that these penal conditions are being

3

strictly enforced only in the case of such defaulters as have failed to pay six or more instalments of the site value as may be seen from the marginally noted statement of three such cases To those that have not made any commencement in building, notices are being issued from time to time, but no measures have been taken as yet for resuming their sites

4 Meanwhile, a doubt having arisen as to the legality of the Committee's action in resuming and re-selling the sites, the Government Advocate was consulted and a copy of his letter no 61 dated the 8th September 1910, containing his opinion in the matter, is submitted for information

5 Reading the Government Order of 14th April 1908 as a whole, the Committee do not think that they have exceeded their powers in resuming and reselling the sites on which arrears of instalments were due On the contrary, they have therein given due effect to the intentions and orders of Government

6 To clear all doubts, however, the matter is submitted to Government, who, I request, may be kindly moved to pass necessary orders for the future guidance of the Committee

I have the honour to be

Sir,

Your most obedient servant,

Secretary,

New Extension Committee, Bangalore

Copy

Encl to Govt L 205-10

4

Letter No 61 dated the 8th September 1910 from the Government Advocate in Mysore to the Secretary to the New Extension Committee, Bangalore City

---

Sir,

In reply to your letter No 614 dated 30th August 1910, I have the honour to state as follows -

1 It is not clear whether the New Extension Committee was formed by Government in the exercise of any Statutory power or merely as an executive act In the former case the powers of the Committee will be regulated by the particular Enactment and in the latter case by the ordinary law of the land governing private individuals

2 The lands acquired by Government for the purpose of forming the New Extension, before they are handed over to the Municipality, may be viewed as coming under the operation of Sections 134 and 135 of the Land Revenue Code If this view be correct, the Committee is simply exercising the powers of Deputy Commissioner in the disposal of sites according to the rules framed by Government, the terms and conditions of which are embodied in the sale Notifications dated 26th April 1909 and 21st February 1910 The Committee has then the power of recovering the unpaid instalments of the purchase money as a revenue demand and of enforcing the terms and conditions of sale without recourse to Civil Courts

3 If on the other hand, the Committee was formed by an executive Order of Government, the terms and conditions of sale can only be enforced as a contract by means of suits in Civil Courts Under the ordinary law, the clauses restricting the alienation of houses and sites to particular communities and laying down the kind of houses to be built and the materials to be used and the time within which the buildings are to be commenced and completed etc, will be treated as illegal and unenforceable

4 It is therefore essential to have a declaration made

6

d

Encl to Memo l 205-6 SL1

BANGALORE CITY NEW EXTENSION COMMITTEE

Notice dated the 7th May 1910

The following revised rules are published for the information of the public in modification of those published under Notification dated the 27th October 1908 *in re* erection of buildings in the new extension between Chamarajendrapet and Basavangudi

Conditions of allotment

1 That the price fixed for the site be paid in 24 monthly instalments the first instalment being paid on allotment

2 That building operations be started within three months and completed within twelve months from the date of allotment

If houses are not built within the limit of time fixed as above, the site shall be liable to resumption and shall be at the disposal of the Government, and the defaulting purchaser shall have no claim to any compensation or to any proceeds resulting from the resale or other disposal of the site

3 That not less than 40 feet in length of each house site or cottage site be permanently reserved as an open yard or air space without any erections of a temporary or permanent nature thereon and a clear space of not less than 5 feet in breadth shall also be left on each side of the building

4 That an open space of not less than 30 and 15 feet should be left in front of cottages and houses respectively The power of sanctioning any deviation from this rule, in special cases, being reserved by the Committee

5 That every house should have a decent frontage and the design should be approved by the Municipal President

6 The minimum size of a room other than the bed room should be not less than 6 feet wide, 8 feet long and 7½ feet high Sufficient provision should be made for light and air in each room The cubical contents of a bed room should be at least 1,000 cubic feet The windows of all rooms shall open into the external air and there shall be counter windows for free circulation of air if possible

7 That perishable materials should not be used for the frontages

8 That before construction is actually commenced, the plan and specification of the building shall be submitted to the President of the Municipality for approval No mud-roofed houses will be allowed to be built All buildings should be either tiled or terraced No lantana hedge will be allowed to be planted around the site

9 That the level of the floor and the backyard, the position of the privy for purposes of daily conservancy and the form and position of the house drain shall be as approved by the President

10 That a formal grant conveying ownership over the site will be issued on completion of the building, until which no transfer, sale or gift thereof will be valid

11 That the Committee reserve the power to allot particular sites or group of sites to persons of a particular caste, sect or community only When a building is in a street or part of a street set apart for a particular community sect or caste as above no person who belongs to another community sect or caste shall reside thereon without the sanction of the Deputy Commissioner accorded upon the written unanimous consent of the residents in that street or part of a street

12 That no pits be excavated in the sites allotted for buildings either for construction of houses or for any other purposes

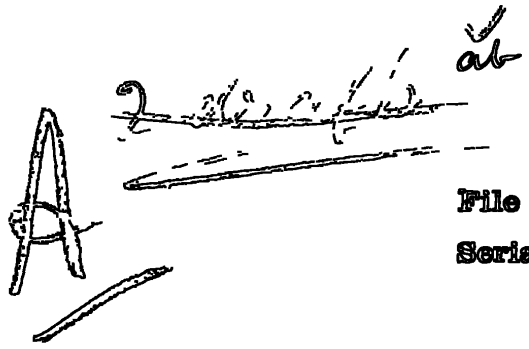
13 That breach of any of the above conditions will subject the allottee to summary forfeiture of the site hereby allotted

14 That when a site allotted is resumed on breach of any of the above conditions neither the allottee nor his assignee will be entitled to any compensation or payment for any expenditure whatever incurred thereon

N Subba Rao
Secretary, New Extension Committee,
Bangalore City

G.R.S. 28]

2472 30



File No 205-10
Serial No 2

Diary No of letter replied to 3329

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT
(Mul)

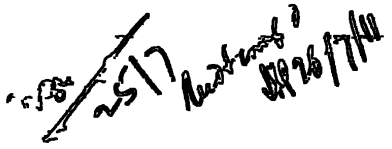
, the 19

Date of issue 29 7 4

Signed by M. K. Muslarkas.

READ— Letter No 1166 18-11-1910 from the Secy, New Extension Committee stating that with a view to prevent purchases of sites for mere speculation and to ensure the punctual payment of the value of sites and the construction of houses within a reasonable time according to approved plans and designs the New Extension Committee have in exercise of the powers conferred on them in paras 3 & 6 of Govt Proc. No 10303-8/Mul

SUBJECT.



G1 15—10,000—29 9-10

07-07-1825-6-1908

prescribed certain conditions
~~subject certain conditions~~ for
the allotment of sites in the Extension
and ruled that breaches of any
of the conditions will subject the
allottee to the summary forfeiture
of the site, ~~neither will he be~~
being entitled to
or payment for any
improvements effected on the site, and that
~~plural conditions were~~
in the case of the
noted allottees who
failed to pay 6 or more
instalments of site value
and ~~the~~ sites were resumed
and resold in auction.

Site No. Purchaser
Cottage ~~200~~ the
Naram 47 Mr. B.
Advocate,
Mysore
Clerk House Mr. M.
Supt's office 70

House Mr. B.S
90

~~Stock~~

Order thereon

G.R.S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet draft form.)

Order thereon dt 9.7.43 24/7/43
Ref 265-D-

Govt. approve of the Committee's action in resuming the sites for breach of the conditions of allotment and reselling them in auction. In order to regulate such resumption, rules for the disposal of building sites shall be framed under Section 33 of the Mysore Land Revenue Code and published in the Mysore Gazette.

CSB
9/7/43
Dy Offg Secy.

To
The Secy, New Extension Committee
" Dy Comm^r, Bangalore
" Asst Dy Comm^r, Bangalore City
Municipal Commr

GPB—10,000—22-8-11

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REVENUE

No R[illegible]5—L R 482 11 1, *dated 15th May* 1912

Under Section 23d (2) of the Mysore Land Revenue Code (Regulation IV of 1888), the Government of His Highness the Maharaja are pleased to direct that Rules 45, 47 (*b*) and 48 of the Land Revenue Rules published with Notification No 264—R 122, dated 10th July 1901 be amended as follows —

(1) Substitute the following for Rule 45—

"The occupancy of building sites shall ordinarily be sold by auction to the highest bidder whenever the Deputy Commissioner shall be of opinion that there is a demand for such sites but the Deputy Commissioner may in his discretion dispose of the occupancy of such sites by private arrangement either upon the payment of a price fixed by him or without charge as he shall deem fit

'The value of sites shall be so fixed as to realize at least the full cost of the acquisition of the land appropriated for building purposes provided however that the value of individual sites may be above or below the average value, regard being had to the extent, situation and other natural advantages or disadvantages of such sites

(2) Substitute the following for Rule 47 (*b*)—

'The occupancy of land in towns and other places of considerable size or of increasing importance shall be disposed of subject to the condition that the Deputy Commissioner may, with the approval of Government prescribe subsidiary rules to regulate the following matters, namely –

(*a*) the level drainage sanitation and ventilation of the buildings to be erected there upon the location of such buildings in relation to any street existing or projected the design or materials to be employed the dimensions or the cubical contents of the rooms

(*b*) value of the sites and the manner in which it shall be paid

(*c*) the time within which the construction of the building should be begun and completed and any other matters not specifically mentioned above

The failure to comply with any of the conditions prescribed as aforesaid will render the building sites liable to resumption at the discretion of the Deputy Commissioner without payment of any compensation to the grantee and the decision of the Deputy Commissioner shall be final in such matters

(3) Add the following at the end of the first paragraph of Rule 48 —

The Deputy Commissioner may allot a group of sites to persons of a particular caste or community and prescribe any reasonable terms or conditions to discourage the taking up of sites or their retention for mere speculation without building habitable residences thereon or the purchase of an unnecessarily large number of sites by one and the same person

(4) Add the following as the last paragraph of Rule 48 —

In Rules 45 47 (*b*) and 48 the powers of a Deputy Commissioner may be exercised by any other authority empowered by Government in that behalf

By Order
K. N. SRINIVASILNGAI
Officiating Secretary to Government General and Revenue Departments.